

**No. PD-0574-19**

---

**IN THE TEXAS COURT OF CRIMINAL APPEALS  
AT AUSTIN, TEXAS**

---

FILED  
COURT OF CRIMINAL APPEALS  
3/5/2021  
DEANA WILLIAMSON, CLERK

**ADRIAN VALADEZ, Appellant**

**v.**

**THE STATE OF TEXAS**

---

**APPELLANT'S MOTION FOR EXTENSION OF TIME  
TO FILE APPELLANT'S BRIEF  
ON PETITION FOR DISCRETIONARY REVIEW**

---

**TO THE HONORABLE JUDGES OF THE TEXAS COURT OF CRIMINAL  
APPEALS:**

Comes now, Adrian Valadez, Appellant in the above styled and numbered causes and pursuant to TEX. R. APP. P. 10.5(b) files this motion for extension of time to file Appellant's Brief on Petition for Discretionary Review and would show this court the following:

**I.**

On May 15, 2019, the Tenth Court of Appeals handed down a decision affirming Valadez's conviction for the third degree felony offense of possession of marihuana in an amount over five pounds and under 50 pounds in cause number

10-17-00161-CR. *Valadez v. State*, 2019 WL 2147625 (Tex. App.—Waco 2019, pet. granted).

## **II.**

Valadez filed a petition for discretionary review which granted by this court on February 3, 2021, in PD-0574-19. Valadez's brief on discretionary review is due on March 5, 2021.

## **III.**

Valadez seeks a 30 day extension of the current deadline in which to file his brief on petition for discretionary review. This request is based on the following facts which prevent counsel for Appellant from preparing the brief on petition for discretionary review by the current deadline:

Counsel cannot meet the current deadline and needs a 30 day extension because the record on appeal is voluminous. It consists of 9 volumes and numerous electronic exhibits. While working on the brief since review was granted, counsel will be unable to complete it by the current deadline. Filing of the brief on petition for discretionary review cannot be accomplished by the current deadline while still effectively representing Valadez on discretionary review in this court. Additionally, during a recent winter weather event, counsel was without electrical power for several days and unable to work on the brief.

#### **IV.**

This is the first request for an extension to file Valadez's brief on petition for discretionary review.

#### **Prayer**

Valadez requests this court grant the motion and extend the time to file his brief on petition for discretionary review up to and including April 5, 2021.

Respectfully submitted,

/s/ Richard E. Wetzel  
Richard E. Wetzel  
State Bar No. 21236300

3267 Bee Cave Road  
Suite 107-338  
Austin, TX 78746

(512) 329-8607  
attorneywetzel@gmail.com

Attorney for Appellant  
Adrian Valadez

#### **Certificate of Service**

This is to certify a true and correct copy of this pleading was served on and emailed to Counsel for the State of Texas, Sterling Harmon, Assistant Criminal District Attorney, at his email address maintained at Sterling.Harmon@co.mclennan.tx.us on this the 3<sup>rd</sup> day of March, 2021.

/s/ Richard E. Wetzel  
Richard E. Wetzel  
State Bar No. 21236300